



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES (As Amended)

CHARTER REVISION COMMISSION

August 19, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:40 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Nancy Bafundo - Chair
Tony Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Also Present

Mayor Jeff Wright
Atty. Justin Clark
Tanya Lane – Town Clerk
John Salomone – Town Manager

IV PUBLIC PARTICIPATION

(Note: Verbatim comments are indicated by *italics*.)

Myra Cohen, 42 Jeffery Lane, Town Council Member: Mrs. Cohen noted that the bottom line of page one of the 7/24/2008 Minutes should read *that increase is the difference for this referendum*. Mrs. Cohen made the following comments about Charter revision:

- Section 205: She noted that it had been recommended that Charter Section 205 be deleted because it does not match with State Statutes, and asked that the Commission consider either changing the Section so it matches State Statutes or changing the language so that it refers to the State Statutes so that people will know there are State regulations in place regarding independent candidates.
- Section 404: Mrs. Cohen recommended that the language stating “*except to adjourn or to go into executive session*” be added to Section 404 where it states that no votes may be taken during a work session.
- Section 613: Mrs. Cohen requested that the Commission consider language in Section 613 (C) that would limit a chairperson of a board or committee to two terms serving as chairperson on that committee.
- Section 406: Mrs. Cohen recommended that language be added to Section 406 that would require notices to also be posted on the Town’s website.
- Section 609: Mrs. Cohen noted that there had been discussion about the position of the Town Treasurer and noted that language in State Statutes seems to allude to the Town Treasurer being another name for the Finance Director and recommended that the Commission look into that language.

- Mrs. Cohen noted that the Commission had previously interviewed former Town Managers and Mayors and heard their comments regarding budget referendum. She stated that these comments should be read into the record again and included in the current discussion. She stated that the Charter, with very few changes, has served the Town very well for forty-two years. She stated that proposed changes will not take place this year or next year, and the Town will probably live with these changes for the next ten years or beyond. Mrs. Cohen stated that the Commission has already, for the time being, decided that it wants a budget referendum - a decision made with no discussion for or against, and with no consideration, at least publicly, of the opinions given by former Town Managers or Mayors; the Commission appears to be going forward with this one budget referendum proposal. She noted that the budget referendum proposal does not state that there will be no referendum if the mill rate is kept within the three percent increase. She noted that the first sentence of the suggested Charter Section 821 refers to proposed expenditures causing more than a three percent increase in the mill rate, but remarked that the increase in the mill rate may not be due to proposed expenditures, rather it may be due to a decrease in funds from non-tax sources such as State Aid or Town fees or due to an inability to apply two-million dollars from a general fund or due to no increase or even decrease in the grand list. She indicated that if there was no increase in the grand list this year the Council would have had to cut over \$900,000 from this year's estimated expenditures in order to stay within a three-percent mill rate increase limit. Mrs. Cohen inquired as to why the Town needs a mandatory referendum, and asked what if people are willing to accept an increased mill rate rather than lose valuable Town resources. Mrs. Cohen recommended that the Town require a petition signed by at least five-percent of eligible electors prior to holding a budget referendum. Mrs. Cohen noted that Sections (E) and (F) of the proposal state that the budget ordinance should only be rejected if opposed by a majority of voters, and such majority consists of at least 15% of the qualified electors, otherwise the Town Council's proposed budget should be deemed adopted. She stated that she came up with the number 15% because if 15% of people are opposed to the budget it means that an awful lot of people like the budget; and remarked that she does not believe that 15% is too high of a number to expect. Mrs. Cohen noted that the proposal states that if the budget is rejected the Council has to produce another budget, and remarked that given the amount of time and effort the staff and Council puts into the original proposed budget in the first place one cannot expect a substitute budget to be ready in seven days. Mrs. Cohen stated that she hopes that the Council will state a referendum question to determine whether voters want or if they want some cuts made or expenditures restored. She stated that there is no need or reason for a second referendum if the end is the same. Mrs. Cohen indicated that this proposal restricts the mill rate increase to three-percent unless there are enough voters that understand that there may be a time when increased taxes are the only way to provide for increased costs of the services the Town needs to provide. She stated that there will be additional costs for programs such as the MDC Clean Water project and funds to cover future health benefit costs of future retirees and other costs that will increase as well as the possibility of a no-growth grand list. She stated that very few voters understand or care to understand what is involved in creating the Town's budget, and stated that while affordability is an important issue the Council still has the responsibility to provide for the education of our children, the health, safety, and quality of life of townspeople as well as for the welfare of those in need. She stated that some voters will be opposed to paying more regardless of what is going to get cut. Mrs. Cohen stated that it is a tax referendum, not a budget referendum, and stated that a mandatory referendum or even a petitioned referendum based on a fixed-percentage increase lacks flexibility. She stated the Commission should give careful thought to what it is agreeing to.

Rose Lyons, 46 Elton Drive: Ms. Lyons noted that the August Charter Revision Commission meetings are not listed as being cancelled on the Town website and noted that the evening's Special Meeting was listed without an agenda. She commented that she would prefer to see an agenda on the website. Ms. Lyons indicated that while she had publicly stated in the past that she is in favor of a budget referendum she stated that over the past several months of attending Town Council meetings and after reviewing the budget herself she has come to the conclusion that she, as an average citizen, does not have the knowledge to decide what is right or wrong for the Town. She stated that she cast her vote November for the people she thought would do a good job in making these decisions, and indicated that she has had some second thoughts about who she voted for. Ms. Lyons remarked that she can change that at the next election. She commented that the people on the Council have the expertise and the knowledge that the average citizen does not have, and stated that she is now against having a budget referendum.

Judy Igielski, 23 Old Musket Drive: Ms. Igielski expressed grave concerns about the disadvantage to voters who would vote by absentee ballots for a mandatory budget referendum, noting that the turnaround time is

very close to expect the Town Clerk and the Registrar of Voters to be able to send out the ballots and get them back in time. She noted her personal experience and stated that it is not feasible to expect a turnaround of one to two weeks. Ms. Igielski expressed concern that with a mandatory budget referendum the budget may not be approved until the very end of the fiscal year in June, which would do a disservice to several Town departments and to the Board of Education. She stated that the Board would not be able to hire teachers or administrators until July or August when the pool of candidates is much smaller than it is in March or April. She also noted that it would be more difficult to get supplies in a timely manner and may result in the school year beginning without some of the proper supplies in place in the schools or offices. She encouraged the Commission to listen to the wisdom of Mrs. Cohen's remarks, and commented that they are all valid, true and far-reaching. Ms. Igielski stated that there are many people in Town who are not happy with the idea of a mandatory budget referendum and remarked that a mandatory referendum allows the Town no flexibility. She requested that the Commission put in place a provision that calls for a petition for a referendum, which would truly put the process in the hands of the voters. She commented that this would be the true democratic process and stated that a mandatory referendum ties the Town's hands.

Mark Pappa: 105 Back Lane: Mr. Pappa stated that some people are missing the big picture. He commented that there are several reasons to be in favor of a budget referendum. He stated that the country is in a housing depression, in which home values are decreasing at a rapid rate. He inquired as to how anyone could even think to raise property taxes more than three-percent to begin with. He noted that Connecticut has some of the highest taxes in the country. He stated that a home is generally a person's biggest asset and that raising taxes on a home is a big hit to families and those on a fixed income. Mr. Pappa stated that a three-percent tax cap will be better for the Town's real estate values when the market does recover, and stated that the home values will recover more quickly than in towns that continually raise their taxes four to seven percent per year. He stated that it is better for the Town's credit rating because it shows that the Town is more predictable and has the ability to control spending. He noted concerns of previous speakers of what would happen if a business leaves Town, therefore lowering the grand list and remarked that the Town will have a much higher retention rate than other towns and stated that businesses will not move to other towns if they know that their taxes will never go up more than three-percent. He remarked that if anything the Town will fill its empty commercial space. He stated that there would actually be more money in the Town coffers than if there was not a tax cap or a budget referendum. He stated that there has been more public participation in this process than anyone had predicted and stated that people will ultimately make an intelligent and conscious decision to the best of their ability in voting, which is better than leaving it up to the Town Council. Mr. Pappa remarked, however, that the Council did an exceptional job with this budget. He stated that constraints on the budget are good and positive for the tax payer and will ultimately be a smart move for Newington.

Anthony Chiaravolloti, 124 West Hartford Road: Mr. Chiaravolloti inquired as to whether any members of the Town Council or Mayor were present at the meeting. (Councilor Boni, Commission member was at the table as was Mayor Wright.) He inquired whether the most important job of the Council is to create a Town budget. Mayor Wright explained that the Commission does not respond to the public questions during the Public Participation portion of the agenda. Mr. Chiaravolloti stated that the most important function of the Mayor and Town Council is to create a budget and remarked that if the budget is rejected twice by the voters it would be reasonable that the Councilors and Mayor tender their resignations and the Town operates on its prior budget until a Town Council and Mayor are in place that are willing to create a budget that the voters can accept. Mr. Chiaravolloti noted that there are many people who will not be able to afford to heat their houses this winter and commented that he does not see any concern at all by anyone in this Town. He noted that all anyone is talking about is increases, increases, increases. He noted Mr. Pappa's statements and commented that Mr. Pappa was the only one to talk about something other than increases. Mr. Chiaravolloti stated that there are layers and layers of administrators that the Board of Education can get rid of, not teachers but administrators, and stated that five million dollars can easily be eliminated from the budget in only twenty-four hours.

Michael Rosencrantz, 38 Sunny Brook Drive: Mr. Rosencrantz, a NCTV volunteer, stated that his comments are his own opinions and not the opinions of NCTV or any other organizations. He stated that he has been following the topic of budget referendum for nearly a year, and as the proposal has become more concrete he sees that details of how the referendum is triggered have potential to undermine its own purpose. He noted that the intent of the referendum is to make sure that increases of taxes and/or spending is kept below three-percent. He noted that the referendum will only be required if the three-percent level is exceeded. Mr. Rosencrantz stated that his area of concern is with the fixed three-percent cap, based on the average rate of inflation and noted the rate of inflation changes year to year. He stated that the tax cap proposal ought to

change with the rate of inflation. He noted that lower taxes and lower spending go hand in hand. He explained that the CPI-W is used to measure how the value of the dollar changes and is also used by the Social Security Administration to determine cost of living adjustments. He stated that spending patterns of the town government are different than those of individual residents. He noted that the Bureau of Statistics publishes specific breakdowns of how prices change for all categories of things such as fuel, building materials, computers, etc. He stated that it would be well in the ability of the department heads as coordinated by the Town Manager or the Finance Director to look at what is the fraction of the goods and services used each year (i.e. 5% heating oil, 5% utilities, etc.), and based on those fractions come up with a blended inflation number that would be a prediction of how the Town's spending would need to change from year to year. He remarked, though, that adding language to the Charter to do so might be a complex process and may be a difficult sell to the voters. He stated that another major drawback is that it would take away the incentive for the Town departments to make long term plans that would reduce their reliance on things that (comment not audible on the tape) and stated if you tell a department that fuel costs go up fast it does not encourage them to remove (comment not audible on the tape.) Mr. Rosencrantz again stated that inflation does change from year to year. He stated that the CPI-W averaged a three-percent yearly increase over the past twenty years, but noted that during that period the United States as a whole has experienced relatively good times with a fairly stable economy and a review of the 130 year history of the Town indicates that things haven't always been so good. He indicated that during tough times rate of inflation has changed dramatically and has often changed quickly. He noted times in the 1920s when inflation hit double digits and noted times of rapid inflation later in the century during the oil crises. He also noted instances of negative growth, also known as deflation, which occurred during the Great Depression and again in the 1930's. He stated that these changes can come about quickly - much more quickly than the process of Charter Revision can be performed, and stated that in such cases the twenty year average of three-percent becomes almost an irrelevant statistic. He stated that while he cannot predict whether the rate of inflation will change dramatically in the upcoming years he stated that it is within the range of perceivable possibilities. Mr. Rosencrantz noted an example of what would occur if the Town experienced deflation of ten-percent, and explained that under the proposed policy the Council would have the opportunity to increase the budget by up to three-percent, which adjusted for inflation would allow an increase of up to thirteen-percent without requiring a referendum. He stated that during a poor economy this proposal would not do anything to keep the Council's spending in check. He noted an example of what would happen if the rate of inflation spiked to thirteen-percent, and explained that in this case an increase of three-percent would force a budget decrease of ten-percent; the Council would have to cut ten million dollars from a one-hundred million dollar budget to achieve the cap. He stated that if the Council were to go with an increase of greater than three-percent in that situation it would leave the voters with a difficult choice: trust the Council's judgment or be faced with serious decreases in services. He remarked that in the current environment the Council will likely not be faced with such a situation (comments not audible on the tape). He stated that there are several ways that the government is wasteful with programs that start and stop. Mr. Rosencrantz stated that the solution is simple: Keep the baseline percent in line with the rate of inflation, and rather than making the referendum automatic if the budget exceeds the twenty-year inflation average, make it automatic if it exceeds the current rate of inflation.

V MINUTES

A Regular Meeting, July 24, 2008

Commissioner Boorman clarified comments in the following areas noted on the July 24, 2008 minutes as not being audible on the tape:

- Page 5, 21st line: "when local people ran tribunals"
- Page 5, last line: "for the budget"
- Page 10, 10th line: the last name of "Arthur" referenced in that line is "Champagne"

Commissioner Boorman requested that the following amendments be made to the minutes:

- Page 5, 16 lines from the bottom: change "Republics" to "Republicans"
- Page 6, 16th line: change the phrase "class size from 25 to 30" to "class size to 25? To 30?"

Commissioner Boorman noted the attachment to the July 24, 2008 minutes regarding requested amendments to the July 10, 2008 minutes. He inquired as to who requested the attachment. Clerk of the Commission Jaime Trevethan replied that she created the attachment at her own desire in order to clarify some of the items that the Commissioners had requested to be amended. Commissioner Bafundo stated that the item would have to be discussed at the next meeting since it is not on the current meeting's agenda.

Commissioner Boni moved to accept the minutes of the Regular Meeting, July 24, 2008 as amended. Motion seconded by Commissioner Boorman. Motion passed 5-0.

VI MATTERS TO BE CONSIDERED

- A Discussion of Proposed Language for Charter Revision: Re: Budget Referendum
1 John Salomone, Town Manager

Town Manager Salomone made a visual presentation regarding some of the mechanical aspects of the proposed budget referendum. He stated that he would reference a memo from Ann Harter, Director of Finance, in his presentation. He stated that if the Commission, the Council and the voters decide on a budget referendum then the referendum should be designed in such a way that the goal should be to not overly hinder the budget process and the goal should be to get the budget approved on a timely basis. He stated that regardless of the decisions made about budget referendum the goal should be to have an approved budget by the start of the fiscal year. He indicated that with some adjustments to some of the language in proposed Charter Section 821 that this could be accomplished.

Town Manager Salomone made his presentation to the Commission.

"Page One" of the Town's 2008-2009 Budget:

- Actual budget increase of 2.86%
- Total appropriations increase of 3.77%, but due to the grand list increase of 1.6% the actual tax increase was 2.86%
- Proposed budget referendum language subsection (A) states: "if the Budget Ordinance's **total expenditures** shall cause the tax rate in mills in the current fiscal year's budget by more than 3%" A change in expenditures is not the only cause of an increase in the mill rate. A change in revenues such as State Aid and grand list can also affect the mill rate. The text should read: "***if the Budget Ordinance's tax rate in mills exceeds the total of the tax rate in mills in the current fiscal year's budget by more than 3%***". Expenditures are not the only controlling area of the mill rate.

"Page One" of a Town Budget During a Revaluation Year (2006-2007):

- Appropriations were 5.27%
- Estimated revenues from non-tax sources were 14.33%
- The Council applied a \$2,000,000 fund balance, which increased the fund balance contribution by about \$1,650,000 or a 21.21% increase.
- The net amount to be raised by taxes increased by 2.49%
- Charter language should take into consideration any change in additional revenues or applied fund balances. Even though the mill rate went down by almost 30% that is not a relevant number due to the growth on the grand list.

Estimated Budget Requirements for Current Charter

- The ultimate goal is to have a budget in place by June 30 to avoid problems brought about by not having a budget in place on a timely basis, and to still allow enough time for multiple referendums.
- Actual budget dates, FY 2008-2009 Budget:
 - June 30, 2008: End of Fiscal Year 2007/2008
 - 105: C-804 Requirement
 - March 17, 2008: Latest date for Town Manager to submit budget
 - March 7, 2008: Town Manager submitted budget – C-804 requirement
 - April 7, 2008: C-805 requirement
 - 10: C-805 requirement
 - April 8, 2008: Council adopted budget
 - May 30, 2008: Assessor completes State elderly calculation
 - 22: Days required for Tax Collector Vendors to produce tax bills
 - June 21, 2008: Date bills mailed out
- Current Charter requirements:
 - C-803: 150 days before the end of the fiscal year for Department Heads to submit budget
 - C-803: 120 days before the end of the fiscal year for Board of Education to submit budget
 - C-804: 105 days before the end of the fiscal year for the Manager to present the final budget

- C-804: 10 days for the Manager to provide copies to the public
- C-805: 15 days to hold first public hearing on Manager's budget
- C-805: 30 days for the Council to hold a second public hearing on the tentative budget
- C-805: 10 days for the Council to adopt the budget

Estimated Budget Requirements for Current Charter with **Two Referendums** (using proposed language)

- Calculation of budget dates (2009/2010 Budget):
 - June 30, 2009: End of Fiscal Year 2008/2009
 - 105: C-804 Requirement
 - March 17, 2009: Latest date for Town Manager to submit budget
 - 15: C-805 requirement
 - 30: C-805 requirement
 - 10: C-805 requirement
 - May 11, 2009: Latest date for Council to adopt budget (04/07/08 last year)
 - 28: Days after Council budget if greater than 3% increase
 - June 8, 2009: First referendum (821A)
 - May 29, 2009: 10 days prior to referendum public notice
 - May 29, 2009: 10 days prior to referendum Assessor notifies each owner
 - July 6, 2009: Second referendum (821I)
 - July 13, 2009: If second referendum fails – Council adopts final budget ordinance
 - 22: Days required for Tax Collector Vendors to produce tax bills
 - August 4, 2009: Tax bills mailed out
- Current Charter requirements:
 - C-803: 150 days before the end of the fiscal year for Department Heads to submit budget
 - C-803: 120 days before the end of the fiscal year for Board of Education to submit budget
 - C-804: 105 days before the end of the fiscal year for the Manager to present the final budget
 - C-804: 10 days for the Manager to provide copies to the public
 - C-805: 15 days to hold first public hearing on Manager's budget
 - C-805: 30 days for the Council to hold a second public hearing on the tentative budget
 - C-805: 10 days for the Council to adopt the budget

Commissioner Boorman inquired as to whether these dates were calculated using the proposed language as submitted by the Mayor through Atty. Clark. Town Manager Salomone replied in the affirmative. Town Manager Salomone stated that the goal is to pass the budget by June 30, and stated that it would not be an issue if the referendums pass earlier. He presented revised dates that would accomplish this goal even with two failed referendums:

Budget Requirement for Revised Charter with **Two Failed Referendums**:

- Calculation of budget dates (2009/2010 Budget):
 - January 1, 2009: Departments submit budget to Town Manager
 - 38: Days to prepare Town Manager Preliminary Budget
 - February 8, 2009: Town receives Governor's Budget
 - February 18, 2009: Town receives Board of Education Budget
 - March 10, 2009: First Public Hearing – C-805 requirement
 - March 20, 2009: Second Public Hearing – C-805 requirement
 - March 30, 2009: Council adopts budget – C-805 requirement
 - April 27, 2008: First referendum (821A)
 - 7: Days – C-821 requirement
 - May 4, 2009: If first referendum fails – Council adopts Substitute Budget Ordinance (821G)
 - 28: Days – C-821 requirement
 - June 1, 2009: Second referendum
 - 7: Days – C-821 requirement
 - June 8, 2009: Latest date for Council to adopt budget
 - 22: Days required for Tax Collector Vendors to produce tax bills
 - June 30, 2009: Date bills mailed out
- Requirements
 - C-803: 180 days before the end of the fiscal year for Department Heads to submit budget
 - C-803: 135 days before the end of the fiscal year for Board of Education to submit budget

- C-804: 122 days before the end of the fiscal year for the Manager to present the final budget
- C-804: 10 days for the Manager to provide copies to the public
- C-805: 10 days to hold first public hearing on Manager's budget
- C-805: 20 days for the Council to hold a second public hearing on the tentative budget
- C-805: 30 days for the Council to adopt the budget
- C-821: 28 days after the adoption of the budget the Budget Ordinance shall be submitted for referendum
- C-821: 7 days for the Council to adopt a Substitute Budget Ordinance if the Budget Ordinance is rejected
- C-821: 28 days after the adoption of the Substitute Budget Ordinance shall be submitted at a referendum
- C-821: 7 days for the Council to adopt a Final Budget Ordinance if the Substitute Budget Ordinance is rejected

Town Manager Salomone stated that while he concurs with Councilor Cohen's statements regarding the seven-day turnaround on the new budget, he stated that the anticipation is that there will be twenty-eight days to work on the new budget. He stated that the assumption will be that a budget fails because it is too high; although it could fail if it is too low. Commissioner Boorman requested an explanation of the twenty-eight day turnaround period. Town Manager Salomone replied that he would have to work on changes immediately, and although it is a tight schedule it can be done. Commissioner Boorman inquired whether the 28-day time period actually starts on the day the Council adopts the budget, and inquired whether the Town Manager will automatically start working on revisions if the budget increase is more than three-percent. Town Manager Salomone replied in the affirmative. He stated that this assumes that the budget has already failed once and that it failed because the voters didn't want a budget increase of more than three-percent. He stated that he has seen a budget fail because it was too low, but indicated that this is the exception rather than the rule. Town Manager Salomone stated that the dates can be flexible, and explained that there is never any assumption that a budget is going to be approved, even by the Town Council and he is therefore always working on counter-budgets in case the Council wishes to cut or add to the budget.

Mayor Wright commented that the Town Manager's timeline seems plausible. He noted that the current goal is to have the Council pass the budget by April 15. He stated that twenty-eight days between referendums would require a March 30 budget adoption, which is roughly two weeks prior to the current system. He stated that it may make sense to consider the twenty-one days as required by State Statute which would move the March 30 date to April 13, which would make it very similar to the current situation. Town Manager Salomone stated that while that is a possibility, he had tried to back into the dates using the proposed document and stated that the goal is to not get a budget document going until after January, and stated that the Council currently does much of its budget preparation early in the process. Town Manager Salomone noted that the Town has a history of having one of the earliest-approved budgets in the State and noted that the Board of Education currently submits its budget to the Council earlier than required by the Charter.

Town Manager Salomone noted a memo from Ann Harter to the Commission, and noted a question from Ms. Harter in which she asked whether a substitute ordinance needs to be legally published before the referendum. He stated that language to address this question will need to be added at some point. He noted comments by Ms. Harter that a referendum could cost up to \$26,000, so having two referendums could add up to an additional \$52,000 in the Town budget. He also noted that there will need to be logistics worked out with the Board of Education regarding having the polls open at schools. He noted that Ms. Harter, as Finance Director, does have some concerns regarding the Town's credit rating and the implications on the credit rating with a budget referendum. He stated that it is a double-edged sword. He noted Ms. Harter's comments that while spending caps demonstrate strong fiscal management, credit rating agencies want to insure a municipality has the financial flexibility to pay debt, pension and health care obligations. Town Manager Salomone remarked that the key is to have the Town adopt the budget before the start of the fiscal year. Town Manager Salomone also noted Ms. Harter's comments that some communities with limited property tax revenue have shifted the burden by dramatically increasing other user fees and/or lowered reserve levels which produce a negative result by the credit rating agencies.

Commissioner Boni inquired as to what cutting the time to twenty-one days (as per Mayor Wright's suggestion) will change. Mayor Wright replied that if the Town Council proposes a budget with an increase of greater than three-percent during a non-revaluation year it will trigger the automatic referendum. He stated that in order to meet the timeline as shown by the Town Manager the Council would have to finish its work on the initial budget

by March 30. He stated that the Council has historically tried to adopt the budget by April 15, and stated that by shortening the 28 days between referendums to 21 days as indicated by State Statute, it would bring the date for the Council to finish the proposed budget from March 30 to April 13, a mere two days sooner than how the process is practically applied today. Town Manager Salomone stated that notice requirements would need to be added but could be folded into the twenty-one or twenty-eight days. Atty. Clark stated that legal notices would be able to be published within the twenty-one or twenty-eight day period. Town Manager Salomone stated that the Council would need to work very hard and be disciplined in getting the new number out in time.

Commissioner Nafis noted a previous speaker's comments regarding how the budget referendum would be a benefit to the Town's bond rating and noted Ann Harter's comments that there are pros and cons with having a budget referendum in regards to the Town's bond rating. He stated that he does not see many pros involved, and also inquired whether the Town's bond rating has suffered due to the tax increases over the past ten years. Town Manager Salomone replied that the Town's bond rating has not suffered due to increased taxes, and stated that while the tax increases have been higher than the rate of inflation they have been accepted by the credit rating agencies because they involve reasonable expenditures. Commissioner Nafis inquired how a three-percent cap would affect the Town's bond rating, and again stated that he does not see the pros of the referendum's effects on the Town's bond rating. Town Manager Salomone replied that West Hartford has a budget referendum and it also has a triple-A bond rating. Commissioner Nafis asked if West Hartford's referendum is mandatory. Town Manager Salomone replied in the negative. He stated that there are many aspects that go into a bond rating, and stated that having a restriction on growth and revenue is something that rating agencies get nervous about, but stated that this could be offset by good fiscal management. He stated that he can't say whether merely having a tax cap would cause the Town's rating to plummet, especially since the Town has the flexibility to alter the grand list in other areas of revenue growth. Mayor Wright noted an example of property tax caps in Massachusetts. He explained that in 1980 Massachusetts had the single highest level of property taxes in the country, but Prop. 2.5, which limits property tax increases to 2.5%, has not destroyed the bond ratings for Massachusetts municipalities. Mayor Wright noted that there are municipalities in Massachusetts with triple-A ratings, and some that have very poor fiscal management and therefore have poor ratings. He stated that the tax cap is not necessarily viewed as either a positive or a negative by rating agencies. He noted that Massachusetts has since moved to ninth in the country for property tax per capita. Commissioner Nafis remarked that the answer to his question is therefore that it is not a pro or a con but rather a neutral.

Commissioner Briggaman inquired about the current timetable for department heads to submit their budgets to the Town Manager. Town Manager Salomone replied that he receives the budgets around January 1, or perhaps a week or two after. Commissioner Briggaman inquired whether the 28-day scenario gives the department heads enough time to submit their budgets to the Council. Town Manager Salomone replied in the affirmative.

Commissioner Nafis inquired whether it is realistic to have the Council make changes to the budget in seven days if the first referendum is turned down. Mayor Wright replied in the affirmative. Commissioner Nafis noted comments from a long-time Councilor who stated that the timeframe is not realistic. Town Manager Salomone stated that it is tight but it can be done, and again noted that he would work on alternatives ahead of time. He stated that it would be a challenge and would require cooperation from the staff to accomplish the timeframe. Commissioner Briggaman stated that everyone is assuming that a budget that is over three-percent is always going to be turned down in a referendum and remarked that this is not always going to be the case; it is possible that the voters will approve of a budget with a greater than three-percent increase. Commissioner Nafis stated that the concern is with what happens when a budget is voted down. Commissioner Bafundo stated that the key is communication. She noted a comment from a member of the public about not being informed enough to make a decision about the budget and Commissioner Bafundo remarked that members of the public need to be involved, and people need to be, and have become, knowledgeable in the budget. Commissioner Boorman stated that the person who made that comment is very involved in Town and is a model for other citizens to become involved. He stated that this person has jumped in with both feet to try to figure out how this works. He noted that while the Town Manager has constraints as to what he can and can't say he is again telling the Commission that *we can see the numbers around the table, we know how this is going, we know what the "consensus" was last time, we know what is going to happen here. I'm the Town Manager, I'm under those constraints, but I'm telling you it's a bad situation. You're going to do this, we know you're going to do it, so lets try to figure out ways to do the best that we can under this situation, which is his job, and lets try to make a bad situation a little bit less bad. I don't care how you paint it, I don't care whether*

you use a PowerPoint presentation or not. You listen to people like Myra Cohen, a Republican who's been involved with Town Council work in I don't know how many budgets, who says you can't do it in seven days. You listen to other people who say you can, but the bottom line here is it's a bad idea, and when you start with a bad idea no matter how you tune it its not going to be a good idea. Commissioner Bafundo indicated that this is Commissioner Boorman's opinion. Commissioner Boorman concurred and stated that Commissioners are there to talk about their opinions. Commissioner Bafundo stated that telling other people that their opinions are bad is not a good way to work together and remarked that this Commission needs to work together without being negative towards other people's opinions. (several people speak at once) Mayor Wright stated that it is unfair to say that the Town Manager thinks that the budget referendum is a bad idea, and it is unfair to put words in his mouth. *The Town Manager is an employee of the Town and it is very important for him to remain non-partisan and for you to classify him being in favor of a budget referendum or a tax cap or being against it is unfair to the position and the person. Neither he or Ann Harter ever said this was a bad idea. Every set of circumstances, no matter how a budget was set up, you've got to work into things. I think we've heard the Town Manager in his past experience with different towns that have had budget referendums, if I heard correctly his number one concern was to make sure that there was some limit to the number of budget referendums – number one; and number two make sure it's done by the end of the fiscal year so we can go in with a clean slate and clear predictability in the new fiscal year. I just don't think it's fair to characterize a Town's employee's comments in saying that he has an opinion that it's a bad idea when he's never said that.* Commissioner Boorman clarified that *I am saying that it's a bad idea.* He stated that the Commissioners had just received Ann Harter's memo dated August 15, 2008 at the current meeting and requested that the Commissioners revisit the memo at the next meeting once they have all had time to review it. Town Manager Salomone indicated that Ms. Harter is on vacation and stated that he is sure she would be happy to answer questions upon her return.

Commissioner Boorman noted that there have been concerns about the timing of absentee ballots under the proposed document and inquired as to whether Town Manager Salomone has any concerns about the timing. Town Manager Salomone replied that he is not well versed on the timing requirements and deferred the question to Ms. Lane or Atty. Clark. Atty. Clark indicated that as discussed at the last meeting, the twenty-one day timeline is the minimum amount of time needed to get out absentee ballots prior to a referendum, but the twenty-eight day schedule allows for more breathing room for absentee ballots. Commissioner Boorman noted language in the latest version of the Mayor's proposal regarding the Assessor working with the Registrars of Voters for purposes of sending out notices to the electors and inquired whether the Town Manager had any comment on the feasibility of that provision. Town Manager Salomone replied that the document is straightforward because the mailing list is a part of the grand list document, and noted that the mailing list database is "owned" by the Assessor. Commissioner Boorman inquired whether the information that the Assessor is being asked to produce is in the database and whether the Assessor would be able to itemize the data as necessary. He also asked for a definition of language in that section of the proposed document (Section C, Page 9) of the phrase *the real dollar value of the budget ordinance*. Town Manager Salomone replied that the real dollar value of the budget ordinance would be the conversion on page one of the budget. Commissioner Boorman noted that the first bullet in subsection D does not really define what the term *real dollar value of the budget ordinance* means, and inquired if it is an Assessor terminology, Town Manager terminology, Council terminology, etc. Town Manager Salomone stated that the language should probably be more specific but stated that it probably refers to page one terminology. Commissioner Boorman inquired that if the language is so general that it is open to different interpretations is the Town then going to rely on the Assessor to define the term. Atty. Clark noted that the term "Budget Ordinance" is defined earlier in the proposed language, which goes back to Sections 805-806. Commissioner Boorman noted that the term "real dollar value" is not defined. Atty. Clark stated that "real dollar value" is *the actual current dollar value of a product*. Town Manager Salomone noted that the next phrase states *"percentage change relative to the current year adopted budget and estimated mill rate"* and explained that it is basically saying that it is the percentage change. Commissioner Boorman disagreed. He stated that *it is saying that the real dollar value of the budget ordinance to come up with the base number to start with and then you take that number and you convert in the second part relative to the percentage change. It is two different things. You have to come up with a real dollar value first before you could talk about percentage change to the current year's adopted budget.* Mayor Wright stated that there is an important difference. He stated that in most years the pushing point for the automatic referendum is the property tax increase of more than three-percent, a number derived from the historic CPI-W. He stated that during a revaluation year the three-percent cap is on the actual expenditures of the budget, which was done to create an airtight document and to let the taxpayers know that they will have a say in their tax dollars if increases are going up over a certain amount. Mayor Wright noted

that in the most recent revaluation year the mill rate decreased by 29% while expenditures increased by over 5%. He noted that there are typically greater increases in expenditures during revaluation years, and the politicians have blamed the increases on the revaluation. He stated that the document has been created to prevent a loophole from occurring during the revaluation years and stated when there is an increase that is greater than the rate of inflation the taxpayers will have a say. He noted the situation in West Hartford, which phases in its revaluation over twenty years and stated that it is the politicians' responsibility to let the taxpayers know why there needs to be a greater than three-percent tax increase; and if the referendum fails twice the politicians will have to figure out ways to cut the budget and save taxpayers money.

Commissioner Boorman inquired whether the Assessor will have readily available information to be able to determine and itemize for every taxpayer the percentage change relative to the current year's adopted budget. Town Manager Salomone replied that in a normal year there would have to be an absolute value based on expenditures. He stated that he would have to think through whether there would be any problems with that, although he could not think of any problems offhand. Commissioner Boorman requested that the Assessor and the Registrars take a look at the language in Section C and report back to the Commission on the feasibility of the two departments working together, the technology needed to do so and the cost of doing so. He noted that with the current proposal language there will not be notices sent out prior to the second referendum. Mayor Wright stated that there is a software program that merges the information, and it is the same basic information used today to produce the tax bills. Town Manager Salomone stated that he will investigate and get back to the Commission.

The Commission took a brief break at 8:23pm and returned to the meeting at 8:30pm

Mayor Wright addressed some prior public comments. He noted comments about MDC costs increasing dramatically in order to pay for the multi-billion dollar Clean Water project, and stated that all of the costs will actually be paid for by a surcharge on residents' water usage, and will not affect the MDC's regular operating budget. Mayor Wright commented that he disagrees that a property tax cap and budget referendum takes decision-making powers away from the Town Council and Mayor, and stated that it allows more people to have a say in the process, and whether the budget passes or it fails the decisions will ultimately be made by the Council and the Mayor. He stated that if the budget fails twice then the Council and Mayor will know exactly what they have to spend, they just need to decide how to spend it. He commented that it is a good process that allows more people to have a say in the taxes. He stated that if the Council feels it needs to spend more than three percent and does a good job of explaining this to the taxpayers and the voters agree, then great, but if the voters decide that the Town cannot afford a tax increase of greater than three-percent then at least the people have spoken and the Town will work within the constraints. Mayor Wright explained that the primary source of revenue at the State and federal levels are income taxes, which typically grow at about the rate of inflation (an average of three-percent according to the CPI-W) or greater. He noted a previous public comment that alluded to wild swings in the inflation rates in the 1920s and remarked that the current economic and fiscal policies in the United States will not allow for wild swings like those that occurred nearly a century ago. Mayor Wright stated that his proposal is not a surprise to the voters who voted (for the Republican party) last November, and stated that he worked with attorneys and did research of various budget referendum and tax cap policies across the State to come up with a simple, straightforward property tax cap. He stated that if the government wants to tax residents at a rate higher than the rate of inflation it may do so, but the voters must have a say in it. He stated that the number of referendums must be limited, as too many referendums could cause chaos. He stated that the purpose of the budget referendum is not for chaos but for predictability for the government and predictability for the taxpayer. He stated that another intent of the document is to take the loopholes out of the process, so that if voters do not vote for an increase of greater than three-percent it will not happen; it will mean that the government will have to live within its means using various solutions. He stated that there are always naysayers looking for reasons why a referendum won't work, and stated that there have been a lot of scare tactics but noted that this is not a permanent document and can be revisited as the Council sees fit. He stated that even if only 900 voters show up to vote at a referendum it is still better than having only the nine Councilors vote. He stated that everyone has only one vote, and it is the voter's choice and responsibility to exercise that one vote. Mayor Wright noted that if the budget referendum does not work out and people don't like the process after a couple of years, the Charter can be opened and the referendum can be changed or done away with. He stated that there are different opinions and ideas and there are groups for and groups against a referendum, and stated that the process is democracy in work. He stated that although there will be some minor points to discuss going forward he suggested that the Commission take a tentative

vote on the proposal as it is; noting that there is nothing that precludes people from coming up with changes or counter-proposals later in the process. He stated that the ultimate choice lies with the voters.

Commissioner Briggaman requested to read his comments regarding budget referendum into the record. (Comments are verbatim.) With all due respect to my friends across the table, the previously expressed arguments which maintain that somehow the budget will be held hostage by the special interest groups is based upon fallacious reasoning. Let me say this, when the electors enter the voting booth, they have their own personal and particular reasons for voting the way they do, therefore they are a special interest group unto themselves. Now, their interests and reasons are most likely shared by other electors throughout the community. If those of the same persuasion join together they would be considered a special interest group. This however does not change the dynamics of the number of electors who feel one way or another on any particular issue. We all desire a maximum participation of turnout of electors in a referendum process, but whether or not they come out to exercise their right to vote is ultimately the final decision of the electors. However, whether thirty-three people vote or 3,300 hundred people vote there are only two possible outcomes: the budget referendum either passes or it fails. If out of the 3,300, 1649 vote yes and 1651 vote no then that one vote ~~is~~ **has** made the deciding difference. If the referendum passes then the outcome is the same as if there was no referendum; that is the due diligence of the Council was borne ~~through~~ **fruit**. If it fails, then the budget goes back to the Council for them to refine and adjust their previous due diligence. If the referendum passes on the second vote, then the refined due diligence has won the day. If it fails for the second time the mill rate or budget will then reflect the three-percent increase over the previous year. This procedure can hardly be considered as holding the budget hostage by any stretch of the imagination. Now, if there are three or more items we vote on by... (comment not clear on tape – **can be voted on by the electors**) then maybe a valid point can be made that a smaller group of common-interest could force their choice to fruition. The additional argument that the Council should have the final word on the budget because the people don't have the time or inclination to study each line item is again a fallacious position. ~~Think~~ **Take** the case of Congress in Washington. The House and Senate construct a budget after considering the input from various committees, agencies, departments and special interest groups. The budget is then passed on to the President for his signature - either approval or rejection. He, like the microcosm of the citizens of Newington, hasn't possibly gone over every line item, nor is he fully knowledgeable of every budget request, but is making his decision based upon what he feels is in the best interest of the country. An alike scenario is repeated at the State level. I believe that passing the budget referendum will break the "tax and spend" mentality of the past, which has squeezed the middle class to the breaking point and has resulted in a serious, devastating financial turmoil for our senior citizens, many of whom are barely subsisting on fixed incomes, with many relying solely on Social Security. All of this is happening in a State that is third in the nation for the highest median real-estate taxes and second in the nation for taxes on retirees, one of fourteen states that tax Social Security benefits to some extent, has the highest gas tax in the country and is number eight in the country for overall tax burden based upon per-capita income. We would most likely be number one if Fairfield County was discounted. By passing this budget referendum we are providing the citizens of Newington with a serious measure of tax reform and finally the squeezed middle class and hard-pressed senior citizens will be able to breathe a collective sigh of relief. Hopefully, this visionary document will spread to other towns throughout the State and maybe even to the State level, if the convening of the constitutional... (comment not clear on the tape – **convention is**) approved in the general election this coming November. The budget referendum as proposed provides a true and pure exercise in democracy to the people. The word "democracy" is derived from the Greek word "~~democratia~~ **dimokratia**" which was coined from the Greek "demos" and "~~kratee~~ **cratos**", "the people rule". Let me close with a few quotes: "Every government degenerates when trusted to the ruler of the people alone. The people themselves are its only safe depository" – Thomas Jefferson. "No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on Earth." – Ronald Reagan. "The budget should be balanced, the treasury should be filled, public debt should be reduced and the arrogance of public officials should be controlled." - Cicero (c.106-43 BC). The foregoing comments are strictly based on my opinion and do not reflect the rest of the members of this Commission. Thank you. (End of verbatim comments. Verbatim comments from this point forward are indicated by *italics*.)

Commissioner Nafis noted that Atty. Clark made a few changes in the document, and inquired as to how he decides what changes to make in the document. He noted that the change regarding the twenty-eight days was mentioned once but never really discussed and inquired whether Atty. Clark had been directed to make that change. Commissioner Nafis stated that he is just looking to understand the process. Atty. Clark replied that it would not be a bad idea to establish a more formal process. He explained that he took suggestions that

he noted during the prior meeting and made the changes. Commissioner Nafis noted that he made a number of suggestions, thoughts and ideas and also noted that one of the changes made did not have a consensus. Atty. Clark replied that he based the changes to the document upon people's suggestions. Commissioner Bafundo stated that the process going forward should be for the Commission to take a consensus on direction for changes. Commissioner Nafis agreed that any change should be made as a result of a consensus. Commissioner Bafundo inquired whether anyone is opposed to any changes made to the document. Commissioner Nafis replied that he has a question on page 10, second bullet down which reads: *this represents a [here insert percentage in bold type] % [here insert increase or decrease in bold type] from the current year's budget* and inquired whether there would even ever be a decrease and inquired whether it is just a real dollar value that may increase or decrease. Atty. Clark explained that is because there is not necessarily a relationship between an increase in the mill rate and a decrease in spending or vice versa. He commented that it is probably not going to happen, but noted that the best way to capture it is by using increase or decrease. Commissioner Nafis noted language in subsection **B D** regarding sending notices to property owners. He stated that he has an issue with sending notices to property owners rather than to electors as there are renters who pay car taxes and whose rent is affected by property taxes. Atty. Clark replied that anyone on the grand list, including those who own cars would receive a notice, and explained that the term "property" refers to personal property rather than just real-estate.

Commissioner Boni noted that his motion he made at the previous meeting had been tabled, and noted that any changes, consensus or agreements made regarding the budget referendum at the current meeting will be subject to change in the future. He requested to get the proceeds moving. He also stated that he is in favor of the twenty-eight day process discussed earlier in the meeting.

Commissioner Boni moved *for a consensus or a vote to have a budget referendum language be adopted moving forward as it stands now with the revisions and changes that we have in front of us*. Commissioner Briggaman seconded (for consensus). Commissioner Boorman noted that Commissioner Boni would need to withdraw his tabled motion made at the previous meeting in order to make the current motion. Commissioner Boni withdrew his original motion from the July 24, 2008 meeting. Commissioner Briggaman withdrew his second to the motion made at the July 24, 2008 meeting. Commissioner Boorman inquired whether the vote/consensus is for the document the Commission received at the start of the current meeting prior to any discussion at the meeting or is the vote for the items discussed at the current meeting that Atty. Clark will provide updates to at the next meeting. Commissioner Boni noted that he is referring to the version sent out to the Commission by Atty. Clark the morning of the current meeting. Atty. Clark read through the changes on the referendum provision proposed by Mayor Wright (see attached). Commissioner Boorman noted an item that the Commission spent a lot of time discussing but was not included in the revisions is the last line of subsection H (page 10) which states *The notice required in subsections C and D shall not be required for a Substitute Budget Ordinance*. He remarked that the Commission spent a lot of time discussing this and inquired whether the Commission wants to pursue giving the voters a notice the second time around. Commissioner Boni replied in the negative. Commissioner Nafis remarked that he thought the purpose of this is to have an educated public that has the ability to come out and vote and understand. He stated that his concern is that people don't know what they are going to lose if they vote down a budget and inquired how people would get that information if it is not sent out as it is the first time. Commissioner Boni replied that the voters can attend Town Council meetings. Commissioner Boorman remarked that the voters can attend Council meetings the first time around as well. He stated that he wants to know exactly what it is he is voting on. Commissioner Boni ~~replied~~ **replied** that the vote is on his motion as stated. Commissioner Boorman inquired to Commissioner Briggaman (as the seconder of the motion) whether he believes that there should be notices sent on the second referendum. Commissioner Briggaman replied in the negative. Commissioner Nafis expressed confusion as to why the Commission is rushing to get through the bullet point to vote when everyone agrees that the item can be changed in the future. He also inquired as to what the Mayor meant by the phrase "tentative vote". Commissioner Bafundo stated that the vote is for consensus on agreement on the language, and stated that the Commission needs to start somewhere. She stated that this would be a starting point and changes can be made moving forward. Commissioner Boorman agreed and noted that the item will remain on the agenda for future meetings.

Commissioner Bafundo requested a roll call vote:

Commissioner Bafundo – yes

Commissioner Boni – yes

Commissioner Boorman – no

Commissioner Briggaman – yes
Commissioner Nafis – no

Motion (consensus) passed 3-2 according to roll call vote above.

Mayor Wright requested to see language that correlates to any changes made to the document based on the Town Manager's timeline.

B Discussion of Proposed Language for Charter Revision Re: Sections 202 (B)- 614 of the Charter or Other Sections of the Charter as Time Allows

Commissioner Nafis requested that any new suggestions or recommendations be added to the current list maintained by Atty. Clark. Atty. Clark agreed to do so. Commissioner Boorman noted that Atty. Clark was asked to come up with language suggestions for Section 202 (A). Commissioner Bafundo replied that this item would be addressed under agenda item VI-C.

Section 202 (B) – Board of Fire Commissioners

Mayor Wright commented that the Town has one of the best volunteer fire departments in the State and suggested that the Commission does not make any changes involving the Board of Fire Commissioners. Commissioner Boni agreed. Commissioner Bafundo noted a recommendation to eliminate the phrase "*shall purchase additional apparatus*" because the Fire Commission does not purchase such apparatus. She stated that she is fine with eliminating that phrase as recommended by Ann Harter. She stated that the Fire Commission recommends the purchases only. Commissioner Boorman noted that the language does include the phrase *when duly authorized*. Commissioner Boorman commented that he would prefer to leave as much availability for the Fire Commission to do what it needs to do as possible. He noted that the purchases are controlled, as they must be duly authorized. Commissioner Nafis noted that there had been other questions about the duties of the Fire Commission and noted that the Charter Commission had asked for additional information and opinions of those involved, and he stated disappointment with the lack of additional information received by the Charter Commission. Commissioner Boorman noted that many of those duties have been delegated to the Chief, and stated that he is comfortable with leaving those duties with the Fire Commission, which could then delegate the duties to the Chief as needed. He stated that he does not want to place restrictions on the Fire Commission's function as the governing body of the Fire Department.

The Commission agreed by consensus not to make any language changes to this Section.

Section 203 – Minority representation

The Commission agreed by consensus not to make any language changes to this Section.

Section 204 – Vacancies in elective offices

Commissioner Briggaman inquired whether a vacancy in the Board of Fire Commissioners would go unfilled until the next Town election. Town Clerk Tanya Lane replied that a vacancy will be ~~filled~~ **unfilled** until the next regular Town election.

The Commission agreed by consensus not to make any language changes to this Section.

Section 205 – Independent candidates

Atty. Clark noted that language in this Section does not match up to State Statutes regarding independent candidates running for office. He stated that it is a dead letter at this point and noted that Ms. Lane had recommended eliminating the provision and defaulting to the State Statute. He also noted Mrs. Cohen's earlier comments that the language could be replaced with language that indicates that provisions for independent candidates are governed under State Statutes. Commissioners Bafundo and Briggaman stated that they would prefer to have language that refers to the State Statute rather than eliminating the Section. Atty. Clark stated that with the Commission's consensus he would draft the language to do so. The Commission agreed by consensus.

Section 206 – Qualifications

The Commission agreed by consensus not to make any language changes to this Section.

Section 207 – Voting districts

Commissioner Briggaman noted that a member of the public recommended that the Town utilizes district representation. Commissioner Boorman noted that the Commission discussed the item at the previous meeting and didn't seem to have any desire to move in that direction.

The Commission agreed by consensus not to make any language changes to this Section.

Section 301 – Election and qualification

The Commission agreed by consensus not to make any language changes to this Section.

Section 302 – Duties

Atty. Clark noted a recommendation by Mrs. Cohen that the Commission should investigate whether the Charter should keep the language that makes the Mayor the official head of the Town for military purposes. Mayor Wright inquired about the purpose of the provision in the first place. Commissioner Briggaman noted that there are situations in which the Mayor may participate in various Veterans Day or Memorial Day programs and remarked that the Commission should not lessen the reference to the military. Commissioner Boorman stated that it is not a significant provision one way or the other and stated that he is not looking to change the document unless it is necessary.

Commissioner Boorman noted the last sentence in Section 302 which states *The Mayor may attend any meeting of any board, commission or other governing body of the Town and shall receive such advance notification of any such meeting as is given to members of said bodies, and shall have the full right of participation and discussions but shall not have the right to vote.* He noted that there have been questions raised regarding whether the Mayor can serve or can be appointed to boards, commissions or other governmental bodies. He noted that although historically this has not been done, this Mayor and this Council has done so, and inquired whether it is a good idea to actually be a member of a committee set up by the Town Council. Mayor Wright replied that every committee has a certain number of seats available and commented that the ability for the Mayor to be appointed to a committee should not be limited. He stated that there is value to some situations in which the Mayor would be allowed to be a voting member as a full appointed member of the committee. Commissioner Boorman stated this is the first time that the item has been brought up and stated that it is an issue that he would like to add to the suggestion list and to revisit in a future meeting. Mayor Wright remarked that it would not be a good idea to allow the Mayor to have voting rights as an ex-officio. Commissioner Nafis remarked that he is not sure whether the Mayor should be allowed to serve as a voting member of a commission. (Comments not clear on tape.) He inquired whether Councilors serve on commissions. Commissioner Bafundo replied in the affirmative. Mayor Wright noted that the Mayor has one vote on the Town Council just like each Councilor, and noted that if Councilors are allowed to serve as voting members then the Mayor should be allowed to do so as well. Commissioner Nafis noted that the Mayor sets the Council meeting agenda and stated that the Chief Elected Official of the Town should stay in that position and not worry about serving on committees.

The Commission agreed by consensus to table the discussion and address the item in a future meeting.

Section 303 – Appointments

Commissioner Boni noted a suggestion that language regarding the Director of Health be eliminated. Commissioner Boorman elaborated that the Director of Health position no longer exists in the Town

Mayor Wright noted a recommendation that ~~the~~ either an individual or a firm can be appointed as Town Attorney, and stated that he does not see any downside to allowing more flexibility in that appointment. Commissioner Boorman stated that he would prefer to have one titular head responsible to do what needs to be done. He stated that the appointed Town Attorney could have staff or other attorneys in the office that participate but stated that he prefers "the buck stops here" mentality. Commissioner Briggaman stated that the Town Attorney should be the go-to person for the Town. Commissioner Nafis noted that the language states that other members of the Town Attorney's law firm may perform legal services for the Town with the approval of the Mayor. Mayor Wright stated agreement with the Commissioners' statements and withdrew his suggestion.

Commissioner Briggaman noted Mrs. Cohen's suggestion that language be added that the Town Attorney shall have experience with municipal law and be familiar with the Town Charter and Connecticut General Statutes. Commissioner Boorman stated that he does not want to delve into that portion of the process. Commissioner Nafis noted that the Commission would have to define the qualifications. Mayor Wright stated that the requirements would be subjective.

Commissioner Boorman noted language in Section 303 (A)(1) that states *In the event there shall be a dispute, except one involving suspension or removal, between the council and any board, commission or office, as shall require that each side of the dispute shall have legal representation, the town attorney shall represent the council, and the board, commission or office shall have the power to retain an attorney to represent it. In the event there shall be a dispute, except one involving suspension or removal, between or among the boards, commission, or offices of the town as shall, in the opinion of the council, require that each side of the dispute shall have legal representation, the council shall assign the town attorney to represent one of the boards, commissions or offices and retain an attorney to represent the other board, commission or office. In either event the council shall provide for the payment of all such fees.* He noted that historically the Board of Education has taken the viewpoint using such language that the Board does not have to use the Town Attorney's offices for purposes of whatever legal work is involved. He stated that when he was Town Attorney he took the position that the language meant that he was on retainer for the Town and was being paid to represent the Town, which includes both the Town Council and the Board of Education. He noted that the counterargument to this is that every person has the right to choose their own counsel; similarly, the argument that the Board of Education has made in the past is that every *body* has the opportunity to choose its own attorney. Commissioner Boorman stated that there has been discussion on whether the Charter language is strong enough to deal with this issue one way or the other. He suggested that the Commission discuss the possibility of removing the Board of Education from the *auspices of the Charter, indicating that the Town Attorney is the first stop in the list; or go the other way and push for a situation that the Board of Education doesn't have a choice – that is the Town Attorney.* He remarked that this might invite litigation between the Council and the Board of Education; and remarked that he is not necessarily suggesting that the Commission do it. Commissioner Boorman stated that it has historically been a problem area and should not be ignored. He recommended that the Commission invite members of the Board to speak to that issue. Mayor Wright inquired as to Commissioner Boorman's thoughts on the issue, given his experience. Commissioner Boorman replied that he is a fiscal conservative and stated belief that the Town Attorney's office should handle the Town's legal affairs because the Town has to pay for any outside attorneys. He noted that there have been situations in which the Town has hired outside legal counsel for specialty purposes such as labor contracts, which is something that the Town would continue to do. He stated that the question would become whether the Board of Education wants the Town Attorney, who is capable of representing the Town and is already being paid, or whether the Board of Education wants to hire its own attorney. He remarked that the Town Attorney should be doing as much as possible for the Town as it is fiscally responsible for the Town and helps to foster a better relationship between the Council and the Board. Mayor Wright inquired whether Commissioner Boorman has any ideas for any language regarding the item. Commissioner Boorman stated that he would like to have members of the Board of Education, the Chair of the Board and the Superintendent give their opinions on the subject before looking at any language. He also invited legal counsel to speak about the issue. He stated that there are legal challenges no matter which direction it goes. Mayor Wright agreed that the Board of Education and Dr. Perlini should be invited to the next meeting for discussion. Town Attorney Ancona (present at the meeting) stated that Connecticut General Statutes 10-220 creates autonomy for the Board of Education. Commissioner Boorman agreed and stated that it would be part of the Board's argument and stated that the Town Attorney would need to provide an opinion on the subject. Atty. Ancona replied that he does not think the Town has the authority under State Statute to enforce it (Exact comments not clear on the tape due to background noise.) Commissioner Boorman stated that the item will need future consideration.

Commissioner Nafis noted a question about having expertise on land use law available for the TPZ and noted language that states that *the Town Attorney shall have such assistance as the Council may determine.* Mayor Wright noted that twice this year there have been specific land use questions and in both cases Robinson and Cole was called upon for that expertise. Commissioner Nafis inquired whether the language is sufficient to allow Town to obtain help as needed. Mayor Wright replied in the affirmative. Commissioner Boorman agreed.

The Commission agreed by consensus to strike language regarding the Director of Health from Section 303, including the entire Section 303(A)(2). Commissioner Boorman requested that Atty. Clark research whether it makes sense to have some sort of reference to the Town's current situation in regards to Section 303(A)(2),

and inquired whether such language needs to be in the Charter or whether it could be handled via ordinance or resolution. Commissioner Briggaman inquired as to what would happen if something were to go awry with the Town's current arrangement with the region's joint Director of Health and the Town wishes to go back. Mayor Wright stated that the Council could pass an ordinance to do so. Commissioner Boorman remarked that no ordinance could trump the Charter and just because no one challenged what has happened with the current Director of Health situation does not mean it is the right or wrong way to do it.

Commissioner Briggaman noted a comment regarding Section 303 (A)(3) that the language *The Clerk shall serve for the term of the Mayor appointing such Clerk* means that, in effect, the Clerk cannot be removed and inquired whether the language should be amended to state *The Clerk shall serve at the pleasure of the Mayor appointing such Clerk*. Commissioner Boorman agreed. Commissioner Nafis inquired whether that language should be used for other appointments in that Section. Atty. Clark noted that the other appointments do not mention the length of the term. Commissioner Boorman stated that the language should be consistent. Commissioner Bafundo stated that the language can be added in the beginning of the Section.

Commissioner Boorman noted that the time was 9:30 and suggested that it would be a good place to stop for the evening. The Commission agreed by consensus. Commissioner Boorman recommended that agenda item "C" be included in all meeting agendas. The Commission agreed by consensus.

C Discussion – As Time Allows, Follow-up on Questions Related to Other Sections of the Charter that Have Been Previously Discussed

The Commission agreed to table the agenda item until the next meeting due to time constraints. Commissioner Boorman requested that this agenda item is included in upcoming meetings' agendas.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Bafundo suggested adding a third Commission meeting in September, possibly on September 15 or sometime that week. The Commissioners briefly discussed whether or not a third meeting will be necessary in September, and decided to table the discussion until the next meeting once there is a better idea of the Commission's progress.

Commissioner Nafis inquired whether the budget referendum will be included on upcoming meeting agendas. Commissioner Bafundo replied that it is a standing agenda item that will be included on future meeting agendas.

Commissioner Briggaman inquired what would have been discussed under agenda item VI-C if time had permitted. Commissioner Bafundo replied that the Board of Education would have been discussed.

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Commissioner Nafis noted that he received a communication from a member of the public. The Commission agreed to read and discuss the communication at the next meeting due to time constraints.

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane, Town Council Member: Mrs. Cohen commented that it would have been nice to have a copy of the revised document discussed during the meeting so that she could follow along with the discussion. She expressed confusion about the meaning of the term *real dollar value* as discussed earlier in the meeting. Commissioner Boorman replied that Town Manager Salomone is going to look into the language and report back to the Commission.

Judy Igielski, 23 Old Musket Drive: Ms. Igielski stated as a former Board of Education member she recalled times when the Board used the Town Attorney and a couple of times when the Board chose to use a different attorney that specialized in school law in the State. She noted a situation several years ago in New Britain in which the town used its Town Attorney when the Board had asked to use a Special Education Attorney for a particular issue and as a result the decision went against the Board. She stated that this is her concern. Ms.

Igielski stated that she has deep concerns with having the Commission hold an extra meeting in September. She remarked that the Commissioners and the Attorney need time to receive materials and to do their due diligence and research to prepare for the meeting. She stated that it is not fair that the Commissioners received information dated a week before the meeting on the day of the meeting, and stated it is important that Commissioners receive materials in a timely manner. Ms. Igielski stated that her perception is that while the Town Manager is neither advocating for or against the referendum he is cautioning that the Commission should carefully consider the referendum, because he has seen the effects of what referendums can do to towns. She stated that the Town Manager is giving expert advice to the Commission and is asking the Commission to carefully consider the issues. She implored the Commission to remember the voters who don't own property: some students, senior citizens and others who rent or don't own a home and those who don't own a car. She stated that these people, who will not get any notice regarding the referendum, would be affected despite the fact that they don't pay taxes because services in Town that they might take advantage of may be affected due to a referendum. Ms. Igielski requested that if there is to be a budget referendum that there are three choices for the voter on the ballot: "Yes", "No – the budget is too high", "No – the budget is too low". She stated that there needs to be perspective and cautioned the Town not to assume that a budget is voted down because it is too high. She commented that in many cases people have experienced pay raises of less than three-percent over the past several years, and noted that there are many people that work two or three jobs at minimum wage to try to make ends meet. She stated that inflation hurts for many people. She stated, therefore, that the three-percent cap is not realistic and urged Town to consider utilities, fuel and food as items included in the Town's cap consideration as those items have increased by greater than three-percent. Ms. Igielski recommended that Commissioner Bafundo read the title of a Section as it is being discussed so that those viewing the meeting without a copy of the Charter can follow along. She commented that Newington is a unique, special, family-oriented town that is not like West Hartford, Farmington or Avon and stated that she does not want the Town's path to become inflexible or unrealistic. She remarked that when she served on the Board of Education members spent hundreds of hours going through the budget line by line, and now that she is not on the Board she trusts the current members to make the right choices using all of the information that they have available. She stated that there are things that voters don't deal with: everyday operation of the schools, the Police Department, Fire Department, etc. **(Tape ends at this point)** Mrs. Igielski stated that as a former elected official she does not believe that the Mayor should have voting privileges on a committee, as doing so takes that position away from a member of the general public. She noted that there is also potential for perception by the public that there is a conflict of interest if the Mayor serves as a voting member of a committee, as he would have a vote on a particular item in the committee and then again if the item comes under Council consideration. She noted that when the Mayor is giving out honors or awards at a Council meeting he temporarily turns the Chair of the meeting over to the Deputy Mayor. She stated that the same is done at the Board of Education meetings. Ms. Igielski stated that the Mayor should simply be the head of the Council and allow others to serve on committees.

Rose Lyons, 46 Elton Drive: Ms. Lyons commented about allowing the Mayor to be a voting member of a committee. She noted that when the Council recently voted to adopt the ordinance to change the Safety Committee one of the Council's main objections with the previous Safety Committee is that having Councilors as voting members of the Safety Committee would be a conflict of interest. Ms. Lyons inquired when this situation is considered a conflict of interest and when it is not. She stated that she is trying to become more educated on the topic.

X COMMENTS BY COMMISSIONERS - none

XI ADJOURNMENT

Commissioner Boorman moved to adjourn the meeting at 9:54pm. Motion seconded by Commissioner Briggaman. Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission

